

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)
)
)
Plaintiff,) 8:12CR271
)
)
V.)
)
PAUL ROSBERG and) ORDER
KELLY ROSBERG,)
)
)
Defendants.)
)

A superseding indictment was filed on January 24, 2013. On January 25, 2013, I arraigned Mr. and Mrs. Rosberg on that superseding indictment. After the arraignment, we spoke about case progression. This is an unusual and fairly complex case. With the agreement of everyone, I now issue this order dealing with progression and related matters,

IT IS ORDERED that:

1. Unless a specific order of referral is otherwise entered, henceforth, the undersigned, as opposed to the magistrate judge, will handle the progression of this case and all motions.
2. The previously scheduled trial is cancelled.
3. The time between January 25, 2013, and March 22, 2013, is excluded from computation under the provisions of the Speedy Trial Act in the interests of justice and to protect the interests of the defendants, one of whom is appearing pro se. In particular, this exclusion will promote the orderly exchange of discovery materials and this exclusion will also give the defendants the necessary time and opportunity to obtain and review

the discovery while carefully preparing and filing their motions. The Speedy Trial clock will commence to run again on March 23, 2013, unless otherwise tolled.

4. At the request of the defendants, no trial date will be set now. Although Mr. Rosberg believes trial will take much longer, the undersigned is tentatively allocating 12 days for trial with the government being given six days to present its case in chief and the defense being given six days to present their evidence.
5. On or before the close of business on Wednesday, January 30, 2013, the government shall file and serve the statement describing the differences between the first indictment and the superseding indictment that is required by our local rules.
6. On or before the close of business on Friday, February 1, 2013, the government shall mail copies of (a) all documentary evidence it would have offered into evidence had the first indictment not been superseded and (b) all Rule 16 discovery materials regarding the superseding indictment. Copies shall be provided to Mr. Rosberg, his standby counsel and counsel for Mrs. Rosberg.
7. On or before the close of business on Friday, February 15, 2013, the government shall allow inspection and copying of all non-privileged documentary materials in its possession that is pertinent to the superseding indictment. That inspection will take place at the offices of the prosecutor and will be arranged at a mutually convenient time.
8. Excluding motions in limine, on or before the close of business on Friday, March 22, 2013, the defendants shall file any and all pretrial motions, together with briefs and other supporting materials, that they

care to file. The government shall have the same time to file its pretrial motions.

9. On or before the close of business on Friday, March 29, 2013, the defendants shall provide the government with reciprocal discovery under Rule 16. That discovery shall be mailed to the prosecutor at his office.
10. The Clerk shall mail a copy of this order and all subsequent orders to Mr. Rosberg at the address shown on the docket sheet. Mr. Rosberg is directed to inform the Clerk in writing if he changes his address.
11. Notice of this order and all subsequent orders shall be provided to all counsel of record including Mr. Rosberg's standby counsel via the CM/ECF notification system.
12. The Clerk shall provide paper copies of this order to Judge Gossett¹ and the Office of Pretrial Services.

DATED this 28th day of January, 2013.

BY THE COURT:

Richard G. Kopf
Senior United States District Judge

¹I thank Judge Gossett for his help. Nothing in this order is intended as a criticism of him. I also compliment Pretrial Services for its help, particularly the assistance provided to the undersigned in contacting Mr. Rosberg to assure that a prompt arraignment could be scheduled.